

APPEAL of USAC Denial of BEAR Request
Little Chute Area School District
BEN - #133149

Submitted by:

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Little Chute School District seeks reimbursement for two invoices submitted with a Form 472 on February 23, 2018, totalling \$17,111.79. The BEAR request was denied on May 9, 2018, and Little Chute appealed to USAC on May 7, 2018. USAC denied the appeal on June 22, 2018. I believe that the denial was in error and appeal to the FCC to reverse it.

On May 16, 2016, Little Chute Area School District in Wisconsin (BEN 133149) filed FCC Form 471 161042359, FRN 1699092881, for Data Transmission and/or Internet Access (special fiber construction, self provisioned).

Eligible one-time charges were \$70,985.64. Little Chute's discount rate was 50%, so the funding commitment request was \$35,798.82. The application was filed by Diana Sepe, IT Director for the Little Chute Area School District, and the author of this appeal.

The FRN was denied on April 7, 2017, and I appealed that decision to USAC. The denial was reversed on February 22, 2018 and the FRN was funded in full, less the cost of fiber patch cables and switches that were deemed ineligible.

On February 23, 2018, I submitted 486 #90478, indicating that service had started on FRN 1699092881. Also on that day, I submitted a Form 472 #2778655 requesting reimbursement for five invoices for service provided under FRN 1699092881.

On February 26, 2018, I received an email from Flor Saenz, a Case Management Associate for the Schools and Libraries Program, requesting information about two of the invoices submitted with the February 23, 2018 Form 472. The email detailed the information required, and included a worksheet to be filled in. On that same day, I emailed response, providing the requested information. Flor Saenz's email, my response, the completed worksheet, and the two invoices in question are uploaded with this appeal.

On May 9, 2018, a BEAR Notification Letter was posted in response to the Form 472 that I had filed on February 23, 2018. The reimbursement amount for the two invoices Flor Saenz had requested information about was \$0.00. The Reimbursement Request Decision Explanation was: "Invoice Received Date [2/23/2018] Later Than; incomplete documents provided for review;" The BEAR Notification Letter is uploaded with this appeal.

I opened a support case (#235361) for clarification on the meaning of this statement, and was told only that the invoices were "rejected for incomplete documentation."

On May 17, 2018, I submitted an appeal of the invoice denials to USAC via EPC. The basis of my appeal was that I had provided Ms. Saenz with the documentation she had requested. A copy of my February 26, 2018 reply was uploaded as part of the appeal, along with the documents that I had sent at that time. A PDF of my appeal to USAC, #103488, is uploaded with this appeal to the FCC.

On June 22, 2018, Little Chute received a Revised Funding Commitment Letter regarding FRN 1699092881. USAC denied our appeal of the BEAR denial. The Post Commitment Rationale was: "Invoices must be filed no later than 120 days after the last date to receive service, or 120 days after the date of the Form 486 Notification Letter, whichever is later. You did not demonstrate otherwise in your appeal." A PDF of the Revised Funding Commitment letter is uploaded with this appeal.

Little Chute appeals this denial on the grounds that:

1. Little Chute provided all of the invoice documentation that Ms. Saenz had requested, and was never told otherwise;
2. The reason given for the reimbursement denial, "Invoice Received Date [2/23/2018] Later Than; incomplete documents provided for review;" was in part inaccurate, and in part not understandable.
 - a. Inaccurate, in that I did provide the documents Flor Saenz requested, as a review of my February 26, 2018 email shows;
 - b. Not understandable, in that "Invoice Received Date [2/23/2018] Later Than" is an incomplete sentence of indeterminate meaning. I was not able to understand it, and USAC was not able to explain it to me.
3. USAC's denial of the May 17, 2018 appeal states that in the appeal, Little Chute failed to demonstrate that its invoices were filed within 120 days after the Form 486 was submitted -- in effect, penalizing the school district for

- a. *Failing to document what we had never been asked to document.* The information that we provided in our appeal to USAC was based the clarification provided by USAC in support case #235361, which did not make reference to the 120-day rule.
- b. *Failing to do what we had already done,* as Little Chute's 486 was filed on February 23, one day after receiving funding approval, and 119 days before the filing deadline;
- c. *Failing to document information that does not require documentation,* since USAC can easily retrieve it from its own databases.

Little Chute has diligently worked through the E-rate process, starting with a successful appeal of its original FRN denial, and continuing at every subsequent step, filing promptly and providing complete information as soon as it has been requested. In light of the reasons given above, and of the documentation included in this appeal, we ask the FCC to determine that USAC has denied reimbursement to Little Chute in error, and to uphold this appeal.